

**DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES**

CHAPTER 45

VETERANS' FACILITIES

Subchapter 1

General Requirements

Rule 37.45.101 Mission Statement

37.45.102 Definitions

Subchapter 2

Admission Procedures

37.45.201 Admission Criteria

Rules 02 through 04 reserved

37.45.205 Application Procedures

37.45.206 Application Materials

37.45.207 Admission Procedures

**DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES**

Subchapter 3

Discharge Procedures

37.45.301 Discharge

Subchapter 4 reserved

Subchapter 5

Appeal Procedures

37.45.501 Appeal Procedure

Subchapter 1

General Requirements

37. 45. 101 MISSION STATEMENT (1) The Montana veterans' home, located at Columbia Falls, is a state operated facility which provides a home for honorably discharged veterans of the armed forces of the United States and the spouses of honorably discharged veterans. The Montana veterans' home provides intermediate nursing care and domiciliary care. All admissions are by voluntary application. Residents of the Montana veterans home are assessed charges for their care according to their ability to pay. (History: Sec. 10-2-403, MCA; IMP, Sec. 10-2-403, MCA; NEW, 1985 MAR p. 374, Eff. 4/26/85; TRANS, from DOC, 1998 MAR p. 1748.)

37. 45. 102 DEFINITIONS (1) For the purpose of interpreting these rules, the following definitions apply:

(a) "Veteran" means a person who served in the active military service and who was discharged with an honorable discharge.

(b) "Spouse" means a person who is legally married to a veteran.

(c) "Surviving spouse" means a person who was legally married to a veteran, who is the widow or widower of that veteran and who has not remarried.

(d) "Applicant" means a veteran, a spouse, a surviving spouse, or a married couple, one member of which is a qualified veteran, who is seeking admission to the Montana veterans' home or for whom admission is sought by a court appointed legal guardian.

(e) "Intermediate nursing care" means the provision of nursing care services, health-related services and social services under the supervision of a licensed nurse to patients not requiring 24 hour nursing care.

(f) "Domiciliary care" means the provision of services and care which do not require nursing skills to residents needing some assistance in performing the activities of daily living. (History: Sec. 10-2-403, MCA; IMP, Sec. 10-2-403, MCA; NEW, 1985 MAR p. 374, Eff. 4/26/85; TRANS, from DOC, 1998 MAR p. 1748.)

Subchapter 2

Admission Procedures

37. 45. 201 ADMISSION CRITERIA (1) Eligibility for admission to the Montana veterans' home is determined without regard to race, color, sex, culture, social origin or condition, political or religious ideas, or ability to pay for the cost of care.

(2) To be admitted to the Montana veterans' home, an applicant must:

- (a) be a veteran, spouse, or surviving spouse;
 - (b) be 55 years of age or, if younger than 55, an invalid and/or unable to earn a livelihood;
 - (c) meet medical and physical requirements for intermediate nursing care or domiciliary care;
 - (d) have the mental status necessary to function in a manner conducive to the safety and comfort of residents and staff.
- (History: Sec. 10-2-403, MCA; IMP, Sec. 10-2-403, MCA; NEW, 1985 MAR p. 374, Eff. 4/26/85; TRANS, from DOC, 1998 MAR p. 1748.)

Rules 02 through 04 reserved

37. 45. 205 APPLICATION PROCEDURES (1) To be considered for admission, the following documents must be submitted by the applicant to the superintendent of the Montana veterans' home:

(a) a completed application form which includes a request for admission to either intermediate or domiciliary care;

(b) documentation of honorable discharge from the armed forces of the United States;

(c) proof of marriage to a veteran, if a spouse or surviving spouse; and

(d) a medical history, including the results of a comprehensive medical evaluation conducted no more than 60 days prior to the date of application. (History: Sec. 10-2-403, MCA; IMP, Sec. 10-2-403, MCA; NEW, 1985 MAR p. 374, Eff. 4/26/85; TRANS, from DOC, 1998 MAR p. 1748.)

37. 45. 206 APPLICATION MATERIALS (1) Application forms are available from the Superintendent, Montana Veterans' Home, Columbia Falls, MT 59912. (History: Sec. 10-2-403, MCA; IMP, Sec. 10-2-403, MCA; NEW, 1985 MAR p. 374, Eff. 4/26/85; TRANS, from DOC, 1998 MAR p. 1748.)

37.45.207 ADMISSION PROCEDURES (1) The superintendent will review all application materials and determine the applicant's eligibility for admission.

(2) The superintendent will notify the applicant, in writing, of the decision regarding eligibility.

(3) The eligible applicant will be admitted immediately if there is a bed available which:

(a) provides the level of care required by the applicant; and

(b) is appropriate for a person of the applicant's sex.

(4) If there is no bed immediately available, the applicant will be placed on a waiting list for either intermediate care or domiciliary care.

(5) As beds become available, the Montana veterans' home will admit applicants from the waiting list on the basis of the date of notification of eligibility. In general, the earlier the determination of eligibility, the earlier the admission. However, veterans on the waiting lists will be given preference over spouses and surviving spouses.

(6) The superintendent may waive use of the waiting lists as described in (5) above if:

(a) the location of an available bed requires that the next person admitted be of a particular sex; or

(b) there is an applicant whose current living conditions require that he or she be admitted immediately.

(7) When two or more applicants have equal priority on the waiting list, the person with the longest documented Montana residence will be admitted first. (History: Sec. 10-2-403, MCA; IMP, Sec. 10-2-403, MCA; NEW, 1985 MAR p. 374, Eff. 4/26/85; TRANS, from DOC, 1998 MAR p. 1748.)

Subchapter 3

Discharge Procedures

37.45.301 DISCHARGE (1) Residents of the Montana veterans' home will be discharged upon request of the resident or his or her legal guardian. The superintendent may discharge a resident for serious violations of the Montana veterans' home rules and regulations. (History: Sec. 10-2-403, MCA; IMP, Sec. 10-2-403, MCA; NEW, 1985 MAR p. 374, Eff. 4/26/85; TRANS, from DOC, 1998 MAR p. 1748.)

Subchapter 4 reserved

Subchapter 5

Appeal Procedures

37. 45. 501 APPEAL PROCEDURE (1) Applicants who are denied admission may appeal that decision by submitting, in writing, their reasons for appealing the decision to the Director of the Department of Public Health and Human Services, 111 N. Sanders, P. O. Box 4210, Helena, Montana 59604-4210, within 30 days of the denial of admission.

(2) The director will respond to the appeal, in writing, within 30 days of receipt of the appeal. (History: Sec. 10-2-403, MCA; IMP, Sec. 10-2-403, MCA; NEW, 1985 MAR p. 374, Eff. 4/26/85; TRANS, from DOC, 1998 MAR p. 1748.)

Chapter 46 reserved